"Law relating to Violence against Women in India with Special reference to Integrating Compensatory Justice & Legal Reforms"

Synopsis Submitted

to

Swami Ramanand Teerth Marathwada University

Nanded

For the Award of the Degree of

Doctor of Philosophy (Ph.D.)

In Law

Under the Faculty of Humanities

Under the Guidance of

Dr. Waseem Ullah Khan

(LL.M., Ph.D., NET, JRF, DCL)

Assistant Professor,

Shivaji Law College, Parbhani

By

Miss. Barure Prasanna Pravin

2023

TABLE OF CONTENTS

Contents	Page no.
Chapter I. Introduction	**3**
1.1 Statement of the Problem	**4**
1.2 Significance of the Study	**7**
1.3 Review of literature	**8**
1.4 Aims and Objectives of the Study	**8**
1.5 Hypothesis	**9**
1.6 Scope of the Study	**10**
1.7 Research Methodology	**13**
1.8 Limitation of Study	**14**
1.9 Data collection	**14**
1.10 Scheme of the Study	**14**
1.11 Reference /Bibliography	**16**

CHAPTER I.
INTRODUCTION

Women's role in society is of immense importance. They contribute to diverse fields such as education, healthcare, politics, economics, and culture. Empowering women leads to greater gender equality, improved social well-being, and economic growth. Their perspectives and talents enrich decision-making processes and promote a more balanced and inclusive society. Though there is significant role played by women to enrich society but the same society give her back violence and discrimination. Violence against women remains a deeply concerning and persistent issue. It manifests in various forms, including physical, mental, psychological and sexual abuse creating a distressing environment that obstructs the progress towards gender equality and human rights. Similarly, when we talk about Indian Society the situation is not so far different. The Indian society has been patriarchal, where women often facing various challenges and inequalities. Violence against women has deep historical roots and is intricately tied to patriarchal structures, unequal power dynamics, and prevailing gender norms.

Inequality and Injustice towards women have been long-standing issues in Indian society. Women often face discrimination, limited opportunities, and gender-based violence. Various factors, including cultural norms, patriarchal traditions, and socioeconomic disparities, contribute to these challenges.

If you are thinking about the condition of Indian women in India, it is important to note that the status and conditions of Indian women can vary widely across different regions, socioeconomic backgrounds, and cultural contexts. Such a diverse country like India experiences of women differ significantly in these contexts.

Moreover, violence against women, such as domestic violence, dowry-related crimes, and sexual assault, continues to be a concerning issue in various parts of the country.

Over the years, various measures have been implemented to combat this societal scourge, such as legal frameworks, awareness campaigns, and support services. However, the challenges persist, indicating the need for a more comprehensive and multi-faceted approach. Efforts are being made to address these issues through education, awareness campaigns, and legal reforms, but there is still a long way to go.

Efforts to improve the condition of Indian women are ongoing, with initiatives focused on education, empowerment, legal reforms, and increasing awareness about gender equality and women's rights. The progress made varies by region and continues to evolve over time. Despite significant efforts from governments, organizations, and individuals, the eradication of this pervasive problem remains elusive.

While legal reforms have undeniably played a crucial role in addressing violence against women, they often fall short in delivering adequate justice and rehabilitation for survivors. Compensatory justice, on the other hand, focuses on restoring the balance of power and addressing the harm caused, beyond the traditional punitive measures. Combining the two approaches has the potential to provide a more holistic and victim-centred response to violence against women.

Violence against women is a pervasive and deeply rooted issue that continues to plague societies worldwide. Despite significant progress in recognizing and addressing this problem, comprehensive and effective solutions remain elusive. This research aims to propose a holistic approach to eliminate violence against women with integrating compensatory justice mechanisms and legal reforms. By examining the intersection of compensatory justice and legal frameworks, this research seeks to contribute to the advancement of more comprehensive and sustainable strategies for addressing this complex societal problem.

Violence against women is a multifaceted phenomenon that encompasses various forms of physical, psychological, and emotional harm, including domestic violence, sexual assault, harassment, and

trafficking. While significant progress has been made in terms of public awareness and legal reforms in recent decades, violence against women persists as a pressing social issue. The existing approaches often focus on legal remedies without adequately addressing the needs of survivors and the broader societal attitudes that perpetuate violence. Thus, this research proposes a holistic framework that incorporates both compensatory justice principles and legal reforms to create a more inclusive and effective response to violence against women.

This research seeks to bridge the gap between legal interventions and compensatory justice, offering a holistic approach that addresses the needs of victims and promotes elimination of violence. The study involves analysis of existing legal frameworks, Comparative analysis of different legal systems to eliminate violence against women, exploration of compensatory justice principles, examination of challenges faced by victims, and the proposal of a holistic approach to eliminate violence against women. The findings of this research have practical implications for policymakers, legal practitioners, and organizations involved in combating violence against women, aiming to improve outcomes for victims and increase accountability for perpetrators.

Keywords: Violence against women, Compensatory justice, Legal reforms, Holistic approach, Gender equality.

1.1 Statement of the Problem: -

Violence against women is a pervasive and deeply entrenched issue that affects millions of women worldwide, violating their fundamental human rights and perpetuating gender inequality. Despite significant efforts to address this problem, progress has been slow, and various forms of violence, including physical, sexual, psychological, and economic abuse, continue to persist in different societies.

The current response to violence against women primarily revolves around legal reforms, seeking to strengthen laws and policies to provide

better protection for victims and hold perpetrators accountable. While legal reforms are crucial in establishing a supportive framework, they alone have not been sufficient to bring about comprehensive and lasting change. Victims often face multiple barriers in accessing justice, and the implementation of laws remains inconsistent and ineffective in many regions.

Furthermore, the existing legal system often fails to address the holistic needs of victims beyond the punitive aspects, leaving many survivors without proper support, resources, and opportunities for healing and empowerment. As a result, the cycle of violence is perpetuated, and women continue to suffer from its devastating consequences.

Compensatory justice, on the other hand, offers a complementary approach that focuses on providing restitution and support to victims beyond punitive measures. This concept emphasizes the importance of addressing the harm caused to victims and society as a whole, rather than merely punishing the wrongdoer. Integrating compensatory justice principles into the response to violence against women may offer a more comprehensive and transformative solution, addressing not only legal redress but also the emotional, economic, and social impacts experienced by survivors.

However, the integration of compensatory justice and legal reforms in combating violence against women remains an underexplored area of research. There is a need to understand the potential synergies and challenges in adopting such a holistic approach and to develop a framework that effectively combines legal reforms with compensatory measures. Additionally, the effectiveness and sustainability of such an integrated approach need to be critically evaluated through empirical studies and real-world implementations.

Therefore, the central problem addressed by this research is:
"How can a holistic approach, integrating compensatory justice principles with legal reforms, be developed and implemented to effectively eliminate violence against women and support the

comprehensive healing, empowerment, and socio-economic rehabilitation of survivors?"

This research aims to contribute to the existing body of knowledge by exploring the potential of an integrated approach to address violence against women, shedding light on the challenges and opportunities in its implementation, and providing evidence-based recommendations for policymakers, legal practitioners, and organizations working to combat violence against women in a more holistic and sustainable manner. By bridging the gap between legal reforms and compensatory justice, this research seeks to pave the way for a more equitable and transformative response to violence against women, ultimately contributing to safer and more inclusive societies for all.

1.2 Significance of the Study: -

The proposed research has the potential to contribute significantly to the body of knowledge on combating violence against women. By elucidating the benefits of integrating compensatory justice within legal reforms, this study aims to offer a robust framework for policymakers, legal professionals, and advocacy groups to formulate more effective and survivor-centric strategies.

In conclusion, this thesis endeavours to shed light on the importance of adopting a Holistic Approach to Eliminating Violence Against Women, by synergizing Compensatory Justice and Legal Reforms. By amalgamating these principles, we hope to pave the way for a more just and equitable society, where violence against women is eradicated, and survivors find solace and restoration.

It aims to address the issue comprehensively by combining two essential elements: compensatory justice, which focuses on providing support and redress to victims, and legal reforms, which seek to improve the legal system's response and protection for women.

This approach recognizes that violence against women is a complex societal problem requiring multifaceted solutions. By examining the intersection of compensatory justice and legal reforms,

the study can contribute valuable insights into how these measures can complement and reinforce each other to create a more effective and sustainable response.

Additionally, the research can shed light on the challenges and barriers faced in implementing such an approach, as well as identifying potential areas for improvement and refinement. Ultimately, the findings of this study can inform policymakers, practitioners, and advocates in their efforts to develop comprehensive strategies for eradicating violence against women and promoting a safer and more just society for all.

1.3 Review of literature: -

Effect and efficacy of Law relating to protection of women from domestic violence an empirical study of the of West Bengal (Das, B. K., 2017). Legal safeguards against violence of Indian women (Sharma, Mahendra Kumar, 2023). Domestic violence and its effects on women (Elizabeth Gabriel, 2017). A socio legal study of domestic violence in India with special reference to wife battery (Mishra, D.K., 2020). Intensification of efforts to eliminate all forms of violence against women: Report of the Secretary-General (2020), p. 4 UN Women (2020).

1.4 Aims and Objectives of the Study: -

The primary aim of this research is to study the various holistic approaches to elimination of violence against women. The holistic approaches like empowerment of women by improving their social, economical and educational status, decide the accountability of perpetrators, check and balance should be maintained by body established at town level and also explore the integration of Compensatory Justice and socio-legal Reforms to eliminating violence against women.

- To study holistic new approaches to eliminate violence against women by integrating compensatory justice mechanisms with legal reforms.
- Investigate the effectiveness of current legal frameworks and their limitations in addressing violence against women.
- To study International Laws, Policies to eliminate violence against women of different nations.
- To understand the concept of compensatory justice and its relevance in cases of violence against women, exploring how it can be integrated into the legal framework to complement punitive measures.
- To present case studies from various countries and regions that have implemented both legal reforms and compensatory justice measures, conducting a comparative analysis of their outcomes.
- To assess the feasibility and potential challenges of adopting the proposed holistic approach in different sociocultural contexts.
- To highlight the implications of the proposed approach for advancing gender equality and creating safer communities for all.
- Propose a model for integrating compensatory justice principles within existing legal systems to enhance support for survivors and deter perpetrators effectively.

1.5 Hypothesis: -

There researcher has formulated the following hypothesis to be verified through the study.

- ❖ By empowering women in Education, Social, Economical, Political and Cultural status which is centre of development of

human rights, with help of these factors we can eliminate violence against women.

- By Applications the measures and policies of other nations to eliminate violence against women we can eliminate violence against women.
- By integrating compensatory justice principles with comprehensive legal reforms, a holistic approach can be developed to effectively combat and eliminate violence against women, addressing both the immediate needs of survivors and the systemic causes of such violence. This approach holds the potential to create a more just and inclusive society where women can live free from the fear of violence.

1.6 Scope of the Study: -

Violence against Women and Girls

- Prevalence of violence against women and girls

  Globally, almost one in three—have been subjected to physical and/or sexual intimate partner violence, non-partner sexual violence, or both at least once in their life. Most violence against women is perpetrated by current or former husbands or intimate partners. Of those who have been in a relationship, almost one in four adolescent girls aged 15–19 (24 per cent) have experienced physical and/or sexual violence from an intimate partner or husband. Globally, violence against women disproportionately affects low- and lower-middle-income countries and regions.

- Reporting of violence against women

  Less than 40 per cent of the women who experience violence seek help of any sort. In the majority of countries with available data on this issue, among women who do seek help, most look to family and friends and very few look to formal institutions, such as police and health services. Less than 10 per cent of those seeking help appealed to the police.

- Laws on violence against women and girls

  At least 158 countries have passed laws on domestic violence, and 141 have laws on sexual harassment in employment. However, even when laws exist, this does not mean they are always compliant with international standards and recommendations or are implemented and enforced. In 2020, Kuwait and Madagascar introduced specific and comprehensive legislation on domestic violence for the first time.

- Risk factors of violence against women and girls

  found that ever-partnered women aged 15-64 who were in relationships with men who had attitudes and behaviours that reinforce men's dominant position over women and perpetuate gender inequality were more likely to have experienced lifetime. Behaviours intended to control women's bodies, autonomy and contact with others are also strongly correlated with an increased experience.

- Economic costs of violence against women and girls

  Violence against women can result in significant costs to the state, to victims/survivors, and communities. Costs are both direct and indirect, and tangible and intangible. For example, the costs of the salaries of individuals working at shelters are direct tangible costs. Costs are borne by everyone, including individual victims/survivors, perpetrators, the government and society in general.

- Sexual violence against women and girls

  Globally, 6 per cent of women report they have been subjected to sexual violence from someone other than their husband or partner. However, the true prevalence of non-partner sexual violence is likely to be much higher, considering the particular stigma related to this form of violence.

- Violence against girls

  School-related gender-based violence is a major obstacle to universal schooling and the right to education for girls. Female genital mutilation

- Cyber-harassment, Trafficking in women, Violence against women in politics etc. are also to be discuss in the research.

What to do for Elimination of violence

Economic Empowerment

Economic empowerment is central to realizing women's rights and gender equality. Women's economic empowerment includes women's ability to participate equally in existing markets; their access to and control over productive resources, access to decent work, control over their own time, lives and bodies; and increased voice, agency and meaningful participation in economic decision-making at all levels from the household to international institutions. Along with economical we also empower women in education, social, cultural and political status.

Ending violence against women

One in three women worldwide experience physical or sexual violence, mostly by an intimate partner. Violence against women and girls is a human rights violation, and the immediate and long-term physical, sexual, and mental consequences for women and girls can be devastating, including death.

A woman's right to live free from violence is upheld by international agreements such as the Convention on the Elimination of All Forms of Discrimination against Women and the 1993 UN Declaration on the Elimination of Violence against Women.

Protecting human rights and women human rights defenders

Attacks against women human rights defenders are extremely under-reported and anonymized in official United Nations statistics. In general, women are much more likely than men to be targeted with sexual and gender-based violence and to be subjected to verbal abuse, surveillance, and online violence. While all activists are targeted with defamation, smear campaigns, and online and offline hate speech, the attacks against women human rights defenders typically target their personal behaviour, their moral conduct, or their sex lives.

Engaging boys and young men in gender equality

We know that while the women's movement and the young women's movement must continue to lead the movement for gender equality, we need to also engage boys and young men to achieve gender equality.

During adolescence and young adulthood, there is a critical period of opportunity to engage boys and young men in understanding why gender equality is good for everyone and recognizing their role in promoting the empowerment of girls and young women. By using and sharing their power and privilege, boys and young men have the ability to shift the dominant norms and ideas about gender and masculinity, and challenge the patriarchal beliefs, practices, institutions and structures that drive inequality between men and women.

1.7 Research Methodology: -

In methodology, there are two types of Methodology Doctrinal and Non-Doctrinal. The researcher has adopted a doctrinal research methodology for conducting the present research. In doctrinal research, data will be collected from secondary sources. The researcher collected the data from various sources such as Books, Journal, reports, Thesis,

Dissertations, Articles, Magazines, Research paper, Various Judgements of supreme court and High court etc.

1.8 Limitation of Study: -

Though there is lots of legal framework has made by time to time by government but despite of that still the is one of every three women if affected by violence. This research paper to find the holistic approach to eliminate violence against women and girl. When we look at Indian and worldwide society there are different forms of violence with different reason.

Identification of exact reason behind any violence is not easily traceable because women do not feel free to share with society. When we talk about the records of violence there are only 40% violence is reported.

1.9 Data collection: -

Data collection for this topic would involve a quantitative method. Quantitative data could involve analysing existing legal data, crime statistics, and surveys to gauge the effectiveness of current policies and identify trends in violence against women. A comparative analysis of regions or countries with varying degrees of implementation could also provide valuable insights.

1.10 Scheme of the Study: -

This study under title "A Holistic Approach to Eliminating Violence Against Women: Integrating Compensatory Justice and Legal Reforms" is planned as per following chapters -

Chapter I. Introduction

In this chapter we will have to introduce with the holistic approach to eliminate violence against women and also discussed on research methodology, data collection method, significance, scope and its problems and limitations of study.

Chapter II. Concept of violence & Legal framework to eliminate violence against women

In this chapter we have to see different forms of violence against and also have to see its reports, cost, risk factors, vulnerability and we have try to put light on the various law passed by government to eliminate violence against women and girl.

Chapter III. Comparative analysis of different legal systems to eliminate violence against women

In this chapter we have to discuss on the various law passed by us and other nation law and policies to eliminate violence against women and have to compare it.

Chapter IV. Implementation of violence eliminating Laws in India

Though there are various law passed by government and brought several policies to eliminate violence but still why we are not yet achieving eradication of violence against women and not yet established gender equality so these issues are addressed in this chapter.

Chapter V. Elimination of violence against women and compensatory justice

In this chapter researcher have try to study the different approaches on elimination of violence. Researcher observed different viewpoints, root causes of violence and also study the compensatory justice mechanism implication and challenges to implementation. Researcher emphasis reforms which need to be bring through the developing harmonising culture between the perpetrator and victim to eliminate violence against women.

Chapter VI. Role of Judiciary in elimination of violence against women

In this chapter researcher have to brought forward the crucial role played by judiciary to eliminate violence against women. The judiciary given several guidelines to tackle different form of violence and also helps by interpretation of violence such guidelines and interpretation also discussed by researcher.

Chapter VII. Conclusion and Suggestions

This chapter concludes the research thesis and provides for suggestions which can help in elimination of violence against women.

1.11 Reference /Bibliography

Law and gender inequality by Fluvial Agnes

Women and Law in India by 2004 Mormayel Basu and Sudhir Chandra.

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

The Convention on the Elimination of All Forms of Discrimination against Women

The 1993 UN Declaration on the Elimination of Violence against Women.

Research Methodology : Methods and techniques by C.R. Kothari

Research Methodology : A step by step guide for beginners by Ranjit Kumar.

Research Student
Miss. Barure Prasanna Pravin

Research Guide
Dr. Waseem Ullah Khan
(LL.M., Ph.D., NET, JRF, DCL)
Assistant Professor,
Shivaji Law College, Parbhani